S.B. Civil Writ Petition No.10208/05
Mahavir Prasad Vs. Deputy General Manager & Anr.

Date of Order : 24/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Gajanand Yadav, for petitioner

Instant petition has been filed against the award passed by the Tribunal dt.31st May, 2005.

The charge levelled against the petitioner-workman was that he committed theft of 80 copper strips worth Rs.33,800/- from the company premises and for the said gross misconduct, he was charge sheeted vide order dt.13th April, 1996. After holding inquiry, he was held guilty and punished with the penalty of removal from service vide order dt.24th April, 2000, which was questioned by making reference made by the appropriate government before the Tribunal where the petitioner raised three objections in assailing the impugned order of dismissal from service.

His first objection is that copy of inquiry report was not supplied to him and another incumbent who was involved with him was exonerated by the competent authority and so also finding recorded in domestic inquiry is not supported by any legal evidence on record and deserves to be set aside.

Learned Tribunal after taking note of all the three basic submissions made recorded a finding that so far as non-supply of copy of inquiry report is concerned, there is no provision under the scheme of rules and apart from it, when the petitioner submitted his reply to show cause notice of removal from service, he has specifically assailed the finding of inquiry report and no prejudice has been caused to him on account of non-supply of copy of inquiry report.

So far as second submission is concerned, the finding has been recorded that on the basis of material came against another delinquent charge could not have been proved and no parity in the nature of misconduct could be claimed.

Third objection raised with respect to perversity of the finding recorded in the domestic inquiry, the Tribunal has also independently examined the material on record and found charge proved against him. I find no perversity in the finding recorded by the Tribunal. Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB